

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 23 MAY 2006

WIPO PCT

Applicant's or agent's file reference P24055PCAU	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2005/000145	International filing date (<i>day/month/year</i>) 4 February 2005	Priority date (<i>day/month/year</i>) 5 February 2004	
International Patent Classification (IPC) or national classification and IPC Int. Cl. G02F 1/1335 (2006.01)			
Applicant SECURENCY PTY LIMITED et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of **4** sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
 - a. ☐ (*sent to the applicant and to the International Bureau*) a total of sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

Date of submission of the demand 5 December 2005	Date of completion of this report 15 May 2006
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer GREG POWELL Telephone No. (02) 6283 2308

Box No. I Basis of the report

1. With regard to the **language**, this report is based on:

☒ The international application in the language in which it was filed

☐ A translation of the international application into _____, which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3(a) and 23.1 (b))

☐ publication of the international application (under Rule 12.4(a))

☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the **elements** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☒ the international application as originally filed/furnished

☐ the description:

pages as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ the drawings:

pages as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-41	YES
	Claims	NO
Inventive step (IS)	Claims 2-5, 27-37, 39, 41	YES
	Claims 1, 6-26, 38, 40	NO
Industrial applicability (IA)	Claims 1-41	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

D1 US 6285427

D2 US 5389698

NOVELTY (N)

Claims 1-41 meet the criteria set forth in PCT Article 33(2) for novelty. The prior art published before the priority date does not disclose linearly polarised first and second beams.

INVENTIVE STEP (IS)Claims 1, 6-26, 38, 40

The invention defined in independent claim 1 does not involve an inventive step in the light of D1 (see in particular column 9 line 45 – column 11 line 28). While there is no disclosure in D1 of a polarising beam splitter, the claims do not require that the beam be split and polarised simultaneously. The phrase “splitting the laser radiation into a first beam of linearly polarised light ... and a second beam of linearly polarised light” includes splitting and then polarising within its scope, as well as a simultaneous splitting and polarising. If the claim were limited to simultaneous splitting and polarising it would still lack an inventive step. Polarising beam splitters are common general knowledge in the art. The person skilled in the art, in seeking to put the invention of D1 into practice, and seeing that it required the beams to be split and polarised, would choose from among the known optical components those elements that would be able to perform these tasks. A polarising beam splitter would be chosen as a matter of course if the circumstances required it.

The claimed invention further differs from D1 in that the first and second beams are linearly polarised while those of D1 are circularly or elliptically polarised.

However, this difference resides only in an arrangement which is a mere technical equivalent. As evidenced by D2, both arrangements are well known in the art and it would be clearly obvious to the person skilled in the art that one could be replaced by the other without materially affecting the way the invention worked (see D2, column 2 line 1-10). D1 clearly suggests that alignment is possible with linearly polarised light (see column 1 lines 57-62). The combination of D1 and D2 anticipates this claim.

(continued)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of Box V

Furthermore, the features added by appended claims 6-26, 38 and 40 relate only to features that are typical in devices of this type and therefore they cannot be considered as contributing to patentable ingenuity.

Claims 2-5, 27-37, 39 and 41 meet the criteria set out in PCT Article 33 with regard to the novelty, inventive step and industrial applicability because the prior art does not obviously suggest to a person skilled in the art to delay the second beam in time with respect to the first.